

REMARKS

By this Amendment, no claims are canceled, amended or withdrawn from further consideration. Claims 24-28 remain as originally filed. Claims 1-23 and 29-45 were previously canceled by the Preliminary Amendment filed September 10, 2003. New claims 46 and 47 are added. As a result, claims 24-28, 46 and 47 are pending in the application.

Claim Objections

Pursuant to paragraph 1 of the above-identified Office Action, claims 24-28 stand objected to because the Examiner contends "[i]n the parent application 09/967,259, now United States Patent Number 6,648,520, an election was made to a restriction requirement. Claims 24-28 were drawn to a fiber optic receptacle, classified in class 385, subclass 55. Claims 24-28 currently claim both a plug and a receptacle and should be clarified to claim a fiber optic plug receptacle."

Applicants respectfully traverse the objection. Claims 24-28 of the present application are identical to claims 24-28 of the parent application 09/967,259. In response to the restriction requirement, Applicants elected *without traverse* claims 1-11 and 15-23 and canceled *without prejudice* claims 12-14 and 24-45 as being directed to non-elected species. Applicants were not obligated to correct any misclassification of claims 24-28 on the part of the Office and cannot now be required to conform the claims to the misidentified species "fiber optic plug receptacle." The claims of the parent application United States Patent Number 6,648,520 are drawn to a fiber optic plug. Accordingly, there is no double patenting between the claims of the present application drawn to a fiber optic plug *and* receptacle *assembly* and the granted claims of United States Patent 6,648,520.

Pursuant to paragraph 2 of the Office Action, claim 25 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants gratefully

acknowledge the Examiner indication of allowable subject matter. However, Applicants elect to not rewrite dependent claim 25 in independent form as suggested by the Examiner at this time in view of the patentability of the base claim 24 for the reasons stated herein below.

Pursuant to paragraph 3 of the Office Action, claim 28 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants gratefully acknowledge the Examiner indication of allowable subject matter. However, Applicants elect to not rewrite dependent claim 28 in independent form as suggested by the Examiner at this time in view of the patentability of the base claim 24 for the reasons stated herein below.

Claim Rejections – 35 U.S.C. §102

Pursuant to paragraphs 4 and 5 of the Office Action, claims 24, 26 and 27 stand rejected under 35 U.S.C. §102(e) as being anticipated by United States Patent Number 6,234,683 (Waldron et al.). The Examiner asserts that Waldron et al. discloses in Figure 15 a fiber optic plug and receptacle assembly comprising a fiber plug body, a fiber optic connector disposed within the plug body, and a “fiber optic receptacle for *mating with* the fiber optic plug” wherein the fiber optic receptacle comprises an “adapter sleeve disposed within the internal cavity defined by the receptacle housing, the adapter sleeve defining a lengthwise extending passage for the receiving portion of the plug ferrule of the fiber optic plug (250).” See Office Action at page 3 (emphasis added).

Applicants respectfully traverse the rejection as it is best understood. Waldron et al. discloses a hermaphroditic fiber optic termination device, primarily for military communications, including a plug insert 20 that is removably insertable using a special tool 180 into the open front of a housing 70 for field repair and replacement. The plug insert 20 receives a pair of RJ-type optical connectors 40, 50 in connector receiving ports 29, 30 to align the ferrules 42, 52 of the connectors with respective ferrule apertures 28, 37 provided on the forward face of the plug insert 20. As stated beginning at column 9, line 57:

As is noticeable in the figures, the plug insert 20 *can mate to another plug insert* having similar features and dimensions. The plug insert extension 23 of one plug insert 20 is insertable into the second ferrule port or aperture 28 of the other plug insert and makes a seal with a front seal 39. Likewise, the plug insert extension of the other plug insert mates into the second aperture of the first plug insert. At such a time, the ferrules butt up against each other and compress the springs 43, 53 of the connectors 40, 50 so as to place the ferrules in a state of floatation so as to ensure a good, tight butt joint. (Emphasis added).

Thus, Waldron et al. does not identically disclose "an adapter sleeve disposed within the internal cavity defined by the receptacle housing, the adapter sleeve defining a lengthwise extending passage for receiving a portion of the plug ferrule of the fiber optic plug, wherein the shroud and the adapter sleeve are sized such that portions of the adapter sleeve are disposed within the at least one opening defined by the shroud once the plug ferrule of the fiber optic plug is inserted into the adapter sleeve." The Waldron et al. device does not comprise an adapter sleeve for receiving a portion of a plug ferrule because the housing 70 (i.e., the receptacle) does not mate with the plug insert 20 (i.e., the fiber optic plug). Instead, the plug insert 20 is removably inserted into the housing 70 using a special tool 180 and the plug insert 20 mates with another plug insert 20. Furthermore, the plug insert 20 mates with another plug insert by means of the opposing plug insert extensions 23 and the ferrule apertures 28, 37, and not by means of the claimed adapter sleeve. Accordingly, independent claim 24 is patentable over the cited reference. Claims 26 and 27 depend directly or indirectly from patentable base claim 24, and thus, are likewise allowable for at least the same reasons. Furthermore, in the Waldron et al. device, the shroud (i.e., first key 71 and second key 73) is part of the *housing* 70, not part of the *plug insert* 20. Thus, base claim 24 and dependent claims 26 and 27 are patentable for at least this additional reason. Applicants also note that reference numeral 250 relied on by the Examiner in the rejection identifies a dust cap (not a fiber optic plug) that engages the keys 71, 73 of the housing 210. Accordingly, Applicants respectfully request the Examiner to withdraw the rejection of claims 24, 26 and 27 under 35 U.S.C. §102(e).

Inventorship

In response to paragraph 6 of the Office Action, Applicants confirm that the subject matter of the pending claims was commonly owned at the time the inventions were made.

Finally, Applicants submit that new independent claim 46 is patentable for the reasons stated above and the additional reason that the cited references do not identically disclose or fairly suggest “a plug body having a shroud proximate a first end thereof, the shroud defining a pair of openings on opposite sides thereof, the openings extending lengthwise from at least a medial portion of the shroud to the first end of the plug body.” As previously discussed, the plug insert 20 of the Waldron et al. device does not have a shroud defining a pair of openings on opposite sides thereof. The housing 70 has a shroud, but the openings are not aligned opposite one another. Accordingly, new claim 46 is patentable.

Likewise, Applicants submit that new independent claim 47 is patentable for the reasons stated above and the additional reason that the cited references do not identically disclose or fairly suggest “an adapter sleeve disposed within the internal cavity defined by the receptacle housing for receiving and aligning respective ferrules” and does not identically disclose or fairly suggest “a bias member disposed within the receptacle housing operably engaging the adapter sleeve so as to urge the adapter sleeve toward the first end of the receptacle housing.” As previously discussed, the housing 70 of the Waldron et al. device does not comprise an adapter sleeve for receiving a plug ferrule, and thus, does not further comprise a bias member for urging the adapter sleeve towards the first (i.e., forward) end of the receptacle housing. Accordingly, new claim 47 is patentable.

CONCLUSION

In view of the foregoing amendments and these remarks, Applicants respectfully request the Examiner to withdraw the objections to claims 24-28 and the rejection to claims 24, 26 and 27, and to reconsider the application, including claims 46 and 47 presented herewith for examination. This Amendment is fully responsive to the Office Action and places the application in condition for immediate allowance. Accordingly, Applicants respectfully request the Examiner to issue a Notice of Allowability for the pending claims. Applicants encourage the Examiner to contact the undersigned directly to further the prosecution of any remaining issues, and thereby expedite allowance of the application.

This Amendment does not result in any more independent (3) or total claims (6) than paid for previously. Accordingly, **no fee for excess claims is believed to be due.** The Examiner is hereby authorized to charge any other fee due in connection with the filing of this response, including any excess claims fee, to Deposit Account No. 19-2167. If a fee is required for an extension of time under 37 C.F.R. §1.136 not already accounted for, such an extension is requested and the fee should likewise be charged to Deposit Account No. 19-2167. Any overpayment should be credited to Deposit Account No. 19-2167.

Respectfully submitted,



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